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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,184	08/02/2001	Edward O. Clapper	42390P11330	7545

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HOUSTON, TX 77024

EXAMINER

TIEU, BINH KIEN

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/922,184

Applicant(s)

CLAPPER, EDWARD O.

Examiner

BINH K. TIEU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 63-82 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 63-82 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 63-70 are rejected under 35 U.S.C. 102(e) as being anticipated by Swartz (U.S. Pat. #: 6,445,694 cited in the previous Office Action).

Regarding claim 63, Swartz teaches a method, implementing and performing in a system as shown in figure 1, comprising:

receiving a communication from a sender, the communication including an audio message and sender identification information;

creating a communication that is capable of being sent via the internet, the created communication including the audio message and sender identification information (i.e., host services computer and SMTP server receive incoming calls from persons or firms identified in the phone book database, automatically save and/or forwarding voice mail along with the identification of the caller to specific recipient, col.12, lines 20-49); and

sending the created communication to a local presentation interface and optionally to a remote client (i.e., host services computer and SMTP server forward voice mail to subscriber

terminal and displayed the voice mail along with callers ID information as shown in figure 10; the subscriber may optionally edit the voice mail message and send it as an attachment to an email a remote client, col.12, lines 54-59).

Regarding claim 64, note col.9, lines 27-39.

Regarding claim 65, note col.10, lines 45-59.

Regarding claims 66, note col.3, lines 39-59 and col.6, line 50 – col.7, line 40.

Regarding claims 67, 69-70, note col.12, lines 54-59.

Regarding claim 68, note col.12, lines 50-54.

3. Claims 71-72 and 75 are rejected under 35 U.S.C. 102(e) as being anticipated by McAllister et al. (U.S. Pat. #: 6,442,242 also cited in the previous Office Action).

Regarding claims 71 and 75, McAllister teaches an apparatus such as a “call processing” apparatus (see Abstract and figure 1) comprising:

a telephone mechanism (i.e., PBX 10) to connect to a network (i.e., Voice Network 60, col.4, lines 52-60) and to receive a communication from a sender (i.e., receiving an incoming call from caller at terminals 80 or terminal 82, col.5, lines 32-44), the communication including an audio message and sender identification information (col.6, lines 43-52);

a composer to compose a communication capable of being sent via the Internet, the composed communication include the audio message and sender information (col.8, lines 25-39); and

a presentation interface to display the composed communication (i.e., a message is sent to the purchase department, and displayed at a display terminal as seen in figure 4, col.8, lines 37-49).

Regarding claim 72, McAllister further teaches the voice processor 20 and/or email platform 26 operable as a client to optionally transmit the composed communication to a remote client such as one of the subscriber stations 12 and data terminal 14 (col.6, lines 39-52).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 73-74 and 76-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAllister et al (U.S Pat. #: 6,442,242) in view of Swartz (U.S. Pat. #: 6,445,).

Regarding claims 73 and 76, McAllister teaches all subject matters as claimed above, except for searching a remote website for information correlated with the sender identification information. However, Swartz teaches the step of searching for searching a phone book database located at the host service location 40 or the correlated information related to the sender entered by the subscriber in col.10, lines 45-59 for purpose of providing more information concerning the caller.

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate the use of the public databases/white pages contained the correlated information related to the caller and the feature of searching such databases, as taught by Swartz, into view of McAllister in order to send said audio message with additional sender information to the recipient.

Regarding claims 74 and 77-82, Swartz further teaches col.12, lines 18-59.

Response to Arguments

5. Applicant's arguments filed 06/03/2004 have been fully considered but they are not persuasive. The Applicant's arguments with respect to the canceled claims 42-62 have been considered but are moot in view of the new ground(s) of rejection.

In response to Applicant's arguments stated on lines 1-4, page 6 as followings:

“...Swartz fails to disclose that the web pages are sent to a local presentation interface for presentation. None of the other cited references teach or suggest a PC like appliance that performs the method of claim 63...”

The Examiner respectfully disagrees with the Applicant's arguments above. First of all, claim 63 did **NOT** state that a method performed and/or implemented by a single personal computer (PC) or an appliance in its preamble. Therefore, the method in teachings of Swartz reference still read on language of claims 63-70. Next, regarding to independent claims 71 and 75 each of them recited an apparatus and a system in their preamble. Each of them did **NOT** also state that the apparatus or the system is a single personal computer (PC) or an appliance in its preamble. Therefore, McAllister et al. teaches an apparatus as a call processing

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apparatus (see its Abstract), which read on the claim languages, recited in independent claims 71 and 75.

With the all above remarks, the Examiner believes that the rejections to new claims 63-82 are proper and permissible on the merits.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

Any response to this final action should be mailed to:

Box AF

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

Or faxed to:

**(703) 872-9314 (for formal communications; please mark
"EXPEDITED PROCEDURE")**

Or:

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"PROPOSED" or "DRAFT")**

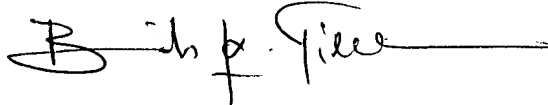
Customer Service (703) 306-0377

**Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA. Sixth Floor (Receptionist).**

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (703) 305-3963 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (703) 305-4708 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**



BINH TIEU
PRIMARY EXAMINER
Art Unit 2643

Date: July 12, 2004